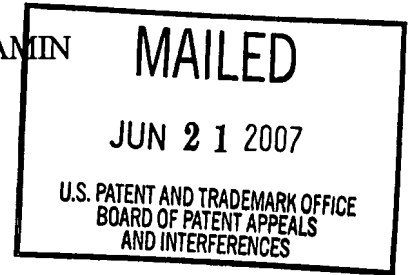


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES B. POPP and ARTHUR J. BENJAMIN

Application No. 09/837,228



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 4, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Reply Brief

On March 14, 2007, the Examiner mailed a communication acknowledging receipt of Appellant's Reply Brief, dated January 16, 2007. A review of this communication reveals that the Examiner did not provide proper acknowledgment. The comments made by the Examiner constitutes a Supplemental Examiner's Answer. In accordance with MPEP 1207.05, all supplemental examiner's answers must be approved by a Technology Center (TC) Director or designee. The Communication mailed February 8, 2007, was not signed by the Technology Center Director or designee.

Application No. 09/837,228

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) vacate the Acknowledgment of Reply Brief dated March 14, 2007,
- 2) issue a revised Acknowledgment of Reply Brief, properly acknowledging and considering the Reply Brief filed March 14, 2007; and
- 3) such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
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PJN/dpv

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